

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

FILED  
98 APR 24 PM 12:41  
U.S. DISTRICT COURT  
N.D. OF ALABAMA

ALTEC INDUSTRIES, INC.,  
an Alabama corporation,

Plaintiff,

v.

FUNERAL FINANCIAL SYSTEMS, LTD.,  
an Illinois corporation,

Defendant.

**ENTERED**

**APR 24 1998**

CIVIL ACTION NO. 96-G-1493-S

MEMORANDUM OPINION

The parties in the above-styled case have asked for relief pursuant to Fed. R. Civ. P. 60(b) to decide whether fiduciaries as a class may be included in a release between the parties. The court holds that the parties are bound by the language of the July 21, 1997, letter from Tim Palmer to Jennifer Segers, memorializing their earlier conversation. A portion of the letter confirming their conversation follows:

[Y]ou agreed that Funeral Financial would execute a release of any claim in favor of Altec and the plan and its fiduciaries in exchange for dismissal of this lawsuit.

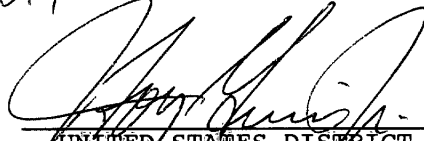
Defendant did not object to the language.

This letter is the best evidence of the intent of the parties to the settlement release. It recites that the settlement offer included Altec and its *fiduciaries*. The court holds that this letter best reflects the intent of the parties by including fiduciaries as a class without naming them.

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An order consistent with this opinion is being entered contemporaneously herewith.

DONE and ORDERED this 24<sup>th</sup> day of April 1998.

  
UNITED STATES DISTRICT JUDGE  
J. FOY GUIN, JR.